

The House Committee on Judiciary Non-civil offers the following substitute to HB 1325:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to provide for regulation of international marriage brokers or international
3 matchmaking organizations; to provide for legislative findings; to define terms; to require
4 that certain information be collected and provided to persons using such brokerage or
5 matchmaking services; to provide for a cause of action; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that international marriage brokers is a growing industry in
10 Georgia whereby foreign nationals are introduced to Georgia citizens for the purpose of
11 facilitating dating and marriage. The General Assembly further finds that this state has an
12 interest in ensuring that minors are not brought into the United States by international
13 marriage brokers. The General Assembly further finds that this state has an interest in
14 providing foreign nationals with information regarding the criminal and marital history of
15 a prospective spouse, the illegality of domestic violence in the United States, and the
16 resources available in Georgia to victims of family violence, sexual assault, and human
17 trafficking.

18 **SECTION 2.**

19 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
20 amended by adding a new chapter to read as follows:

21 "CHAPTER 16

22 19-16-1.

23 As used in this chapter, the term:

H. B. 1325 (SUB)

1 (1) 'Client' means a Georgia resident, including a lawful permanent resident of the United
2 States, who contracts with an international marriage broker for its services.

3 (2) 'Criminal history information' means:

4 (A) Any court ordered restriction on physical contact with another person, including
5 any temporary or permanent restraining order or civil protection order;

6 (B) Complete criminal history record information maintained by the Georgia Crime
7 Information Center based on the fingerprints voluntarily provided or the consent of the
8 client in accordance with Code Section 35-3-34;

9 (C) A complete transcript of a background check conducted by the Federal Bureau of
10 Investigation based upon a submission of fingerprint impressions;

11 (D) A complete transcript of a search for the client on any publicly available criminal
12 or civil registry, including, but not limited to, the state sexual offender registry
13 maintained by the Georgia Bureau of Investigation;

14 (E) Any disciplinary actions imposed by a military tribunal; and

15 (F) Any court ordered requirement or voluntary agreement that the client attend a
16 family violence intervention program, anger management program, or other similar
17 program.

18 (3) 'International marriage broker' means an international marriage broker or
19 international matchmaking organization which is a corporation, partnership, sole
20 proprietorship, or other legal entity, whether or not organized under the laws of the
21 United States or any state, that does business in the United States and for profit offers to
22 clients dating, matrimonial, or matchmaking services, or social referrals involving
23 citizens of a foreign country or countries who are not residing in the United States, by:

24 (A) An exchange of names, telephone numbers, addresses, or statistics;

25 (B) Selection of photographs; or

26 (C) A social environment provided by such broker in a country other than the United
27 States.

28 The term shall not include a traditional matchmaking organization of a religious nature
29 that otherwise operates in compliance with the laws of the countries of the recruits of
30 such organization and the laws of the United States, any organization that does not charge
31 a fee to any party for the service provided, or an entity that provides dating services if the
32 entity's principal business does not provide international dating services between United
33 States citizens or United States residents and foreign nationals and the entity charges
34 comparable rates and offers comparable services to all individuals it serves regardless of
35 the individual's gender or country of citizenship.

36 (4) 'Marital history information' means:

37 (A) Current marital status;

(B) An accounting of previous marital relationships, how many and how the previous marriages were terminated and the date of such of termination; and

(C) Whether the client has previously sponsored a person from a foreign country to whom the client has been engaged or married.

(5) 'Personal contact information' means, but shall not be limited to, the recruit's name, address, telephone number, and e-mail address.

(6) 'Recruit' means a person who is 18 years of age or older, not a citizen or resident of Georgia or of the United States, and who is recruited by an international marriage broker for the purpose of providing matrimonial services.

19-16-2.

(a) Each international marriage broker shall:

(1) Obtain the client's criminal history information and require the client to provide the client's criminal history information, in writing and signed by the client under penalty of perjury;

(2) Require the client to provide the client's marital history information, in writing and signed by the client under penalty of perjury;

(3) Pay the costs incurred to obtain a certified translation of the client's criminal history information and marital history information into the recruit's native language and provide all of the information received to the recruit prior to referring any personal contact information of the recruit to the client;

(4) Not provide any individual or entity, including, but not limited to, a client with the personal contact information, photograph, or general information about the background or interests of any recruit or any individual under the age of 18; and

(5) Provide the recruit with information in his or her native language that explains:

(A) The client's responses to questions regarding the client's criminal history information and marital history information may not be accurate;

(B) The fiancée visa application process and marriage-based immigration status;

(C) The illegality of domestic violence in the United States;

(D) The assistance available to victims of family violence, sexual assault, and human trafficking in this state;

(E) The availability of protective orders, free legal advice, immigration resources, shelters, and the state-wide 24 hour domestic violence hotline; and

(F) The rights of victims of domestic violence, sexual assault, and human trafficking in this state including, but not limited to, the right to petition for residence independent of and without the knowledge, consent, or cooperation of the spouse; and

(6) Obtain the consent of the recruit to provide the recruit's personal contact information to a client and maintain records reflecting such consent.

(b) The information provided pursuant to paragraphs (1) and (2) of subsection (a) of this Code section shall have been obtained by the international marriage broker within six months of the date the international marriage broker provides such information to the recruit, and if more than six months have elapsed since obtaining such information, the international marriage broker shall obtain updated information on and from the client.

19-16-3.

The State Commission on Family Violence shall issue materials which include the information required by this Code section and each international marriage broker shall provide such materials to the recruit.

19-16-4.

Any person who suffers damages as a result of an international marriage broker's actions or inaction in violation of this chapter has a cause of action against such international marriage broker for damages and for any other relief a court of competent jurisdiction deems appropriate, including, but not limited to, compensatory and punitive damages and recovery of litigation expenses and reasonable attorney's fees."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.